



MAY - 6 2009

JONES DAY
222 East 41st Street
New York, NY 10017

In Re: Patent Term Extension
Application for
U.S. Patent No. 6,395,716

APPLICATION NOT ELECTED

The application for patent term extension for U.S. Patent No. 6,395,716, claims of which cover a method of using the human drug product TYZEKA® (telbivudine), is dismissed.

In the April 17, 2009 Election of Application for Extension of Patent Term Under 35 U.S.C. § 156 and Pursuant to 37 C.F.R. § 1.785(b), applicant elected "the Patent Term Extension in U.S. Patent No. 6,569,837," claims of which also cover a method of using the human drug product TYZEKA® (telbivudine). Thus, the application for patent term extension for U.S. Patent No. 6,569,837 will be extended based upon the regulatory review period of TYZEKA® (telbivudine). Since only one patent may be extended based upon the regulatory review period of a product, the application for patent term extension for 6,395,716 is dismissed.


A single request for reconsideration of this dismissal of the application for patent term extension may be made if filed within one month of the date of this notice. Extensions of time under 37 CFR § 1.136(a) are not applicable to this time period.

Any correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.

By FAX: (571) 273-7728

Telephone inquiries related to this determination should be directed to Raul Tamayo at (571) 272-7728.


Mary C. Till
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

cc: Office of Regulatory Policy
Food and Drug Administration
10903 New Hampshire Ave., Bldg. 51, Rm. 6222
Silver Spring, MD 20993-0002

RE: TYZEKA® (telbivudine)
FDA Docket No.: FDA-2007-E-0335

Attention: Beverly Friedman